

**AFFIDAVIT**

- 1) **AFFIANT/AGENT.** I, Kevin Backes, a Border Patrol Agent of the United States Border Patrol, Customs and Border Protection (USBP/CBP), have been employed by the USBP/CBP for 22 years and am currently assigned to the Grand Forks Border Patrol Sector Prosecution Unit.

Your affiant has reason to believe that HUSSEIN, Abdi Mohamed (DOB: XX/XX/1996), and ABDIWALI Hassan, Abdiwahab A.K.A. Hassan, Abdiwahab A.(DOB: XX/XX/1995), illegally entered the United States in violation of 8 U.S.C. § 1325.

- 2) **INITIAL ENCOUNTER.** On February 8th, 2025, at approximately 8:57 PM, Grand Forks Dispatch (KAK720) informed Pembina Station that two subjects were observed by a remote surveillance sensor walking south into the United States approximately two miles west of the Pembina, North Dakota Port of Entry. Pembina Agents responded to the location.

Border Patrol Agent (BPA) DeSouza, utilizing a mobile surveillance platform, was able to gain visual of the two subjects moving in a southern direction away from Canada near an area known as Wilwand Farms. BPA DeSouza maintained visual of the two and as they neared 108th Street, which is two miles south of the international border, BPA Mueller was able to see the subjects. The Grand Forks Small Unmanned Aerial Systems (SUAS) Team was also in the area and assisted in observing and providing a direction of travel for the two subjects.

BPA Mueller exited his vehicle and approached the two subjects on foot. As BPA Mueller closed the distance he shouted at the subjects to stop and identified himself as a Border Patrol Agent. The subjects ignored his commands to stop and continued running in a Southwestern direction.

At approximately 10:25 PM BPA Mueller was able to catch up to the subjects and placed them under arrest in a field west of the Wilwand Farms area. BPA McDonald arrived on foot shortly after and assisted in searching the subjects until other agents arrived utilizing a Ranger all terrain vehicle. The subjects were placed in handcuffs, loaded into the Ranger and then transported to agents on a nearby road. The subjects were then transported to the Pembina Border Patrol Station for processing.

At Pembina Border Patrol Station, a search of HUSSEIN's property revealed \$16, 615.00 in US currency. The currency was seized for Civil Forfeiture under Title 31 U.S.C. § 5332(c)(1).

- 3) **POST ARREST INVESTIGATION.** Upon arrival at the Pembina Border Patrol Station the subjects were enrolled into NGI/IDENT, a computerized fingerprint identification

system. The NGI/IDENT results revealed both subjects had prior arrests for immigration violations. Neither subject was found to have a criminal arrest record in the United States.

HUSSEIN and ABDIWALI are citizens and nationals of Somalia.

On February 9th, 2025, agents at the Pembina Station tracked the footprints of the two individuals back to the border in the daylight hours. Agents observed the two subjects had entered the United States from Canada on foot. Agents photographed the prints in the snow and photographed the soles of the shoes the subjects were wearing. Upon comparison the tracks in the snow were a match to the tread patterns of the shoes they were wearing.

#### 4) IMMIGRATION HISTORY

HUSSEIN

Date: 9/1/2023  
 Agency: US Border Patrol Imperial Beach, CA  
 Charge: INA 212(a)(6)(A)(i) – Alien Present Without Admission  
 Disposition: HUSSEIN was issued a Notice To Appear and released on an Order of Recognizance with reporting requirements. The case is open and active.

ABDIWALI

Date: 6/16/2022  
 Agency: US Border Patrol Imperial Beach, CA  
 Charge: INA 212(a)(7)(A)(i)(I) – Immigrant Without An Immigrant Visa  
 Disposition: ABDIWALI was paroled into the United States and was released with reporting requirements. The case is open and active

- 5) **MIRANDA RIGHTS/CONSULAR NOTIFICATION.** On February 9th, 2025, BPA Lebow advised HUSSEIN and ABDIWALI of their Miranda Rights per Service Form I-214 utilizing a Somali language interpreter. Both subjects acknowledged their rights by signing the Service Form I-214. Both subjects stated they were unwilling to answer questions without an attorney present.

BPA Bishop notified the subjects of their right to consular communication. The subjects did not request to speak with a consular official at the time of processing.

In my experience, the above facts constitute a violation of 8 U.S.C. § 1325(a)(1).

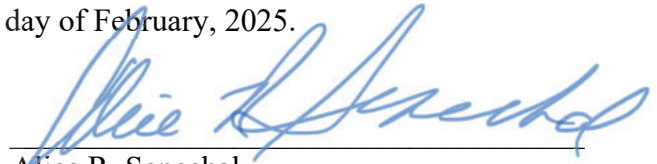
The foregoing is true and correct to the best of my knowledge and belief.




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Kevin Backes  
 United States Border Patrol Agent

Sworn to me by reliable electronic means, this 10th day of February, 2025.

  
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Alice R. Senechal  
United States Magistrate Judge